

Malinda Tollefson
08/28/2024

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF WYOMING

STEPHANIE WADSWORTH,	:	CASE NO.:
Individually and as	:	2:23-CV-00118-NDF
Parent and Legal	:	
Guardian of W.W.,	:	JURY TRIAL DEMANDED
K.W., G.W., and L.W.,	:	
minor children, and	:	
MATTHEW WADSWORTH,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
WALMART, INC. and	:	
JETSON ELECTRIC BIKES,	:	
LLC,	:	
	:	
Defendants	:	

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VIDEOCONFERENCE DEPOSITION OF MALINDA TOLLEFSON

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Taken remotely via Zoom Video

Communications at 50 Shoshone Avenue, Suite B, Green
River, Wyoming 82935, on Wednesday, August 28, 2024,
commencing at 9:01 a.m. MST, before Sara J. Vanchure,
Notary Public.

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LEXITAS PHILADELPHIA
1600 Market Street, Suite 1700
Philadelphia, Pennsylvania 19103

- - -

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1 A. Well, it sounds like she was experiencing
2 a relapse back into depressive symptoms. So she has
3 experienced depression. Is that answering your
4 question?

5 Q. Yeah. I guess I'll ask a broader
6 question. Was she experiencing depression prior to
7 the February 2022 fire?

8 A. Not to my knowledge.

9 Q. Had you -- and again you had not treated
10 her prior to February 1st, 2022, the fire that we're
11 here for; correct?

12 A. Correct.

13 Q. Do you know whether or not K.W. was
14 receiving counseling from anybody else prior to the
15 fire?

16 A. No.

17 Q. In connection with your treatment of
18 K.W., have you reviewed any of her prior medical
19 records?

20 A. No.

21 Q. In connection with your treatment of
22 K.W., have you spoken to any of her prior treating
23 physicians and/or counselors?

24 A. No.

25 Q. So when you first saw K.W. back in March

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1 Do you see that record?

2 A. Yes.

3 Q. And is -- I'm having trouble reading. I
4 apologize. This is the best copy I have. Does that
5 appear that this is from August 23rd, 2024? Is that
6 accurate?

7 A. Yes.

8 Q. And in this record, there's a note under
9 the Presenting Problem that indicates that she is
10 seeking treatment due to a recent relapse in
11 depressive symptoms. Do you see that?

12 A. Yes.

13 Q. And then if you go down to the second to
14 last sentence in the Presenting Problem paragraph, it
15 says that it is unclear at this time if her current
16 symptoms are connected -- and then I'll refer you
17 back -- to the fire from February of 2022. Do you see
18 that?

19 A. Yes, um-hum.

20 Q. So is it fair to say that at this point,
21 based on your treatment of K.W., it's not clear
22 whether her current symptoms are related to that
23 February 2022 fire?

24 MR. AYALA: Form.

25 MS. BOYD: You can answer, Mindy.

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1 THE WITNESS: Oh, thank you. Well, I
2 remember thinking to myself that I need to look at
3 this closer because it probably is connected. I was
4 trying to debate if I wanted to diagnose PTSD or not
5 because I know that depression is also sometimes --
6 you know, happens. So I think that was my nod to
7 myself that I needed to look further, if that -- is
8 that clear?

9 BY MR. GIROUX:

10 Q. Sure. You know, you wrote this five days
11 ago where you had indicated that it is unclear whether
12 her current symptoms were connected to that fire.
13 Have you done any further work since then to change
14 the conclusion you wrote in that Presenting Problem
15 section?

16 A. No.

17 MR. AYALA: Form.

18 BY MR. GIROUX:

19 Q. So is that still a fair statement and an
20 accurate statement based on your treatment of K.W.?

21 MR. AYALA: Form.

22 THE WITNESS: Yes.

23 BY MR. GIROUX:

24 Q. And moving on to Bates stamp KW_068, we
25 talk about -- you mention family history and you

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1 THE WITNESS: No.

2 MR. GIROUX: Okay. I'm going to move on
3 to L.W.

4 MS. BOYD: Counsel, we've been going for
5 almost an hour right now. Do you think it's a good
6 stopping point for a small break?

7 MR. GIROUX: That's fine with me. I have
8 no problem with that.

9 MS. BOYD: Okay. How about five minutes?

10 MR. GIROUX: Sure. Sounds good.

11 MS. BOYD: Okay.

12 THE WITNESS: Thank you.

13 MS. BOYD: Thank you.

14 (A brief recess was taken.)

15 BY MR. GIROUX:

16 Q. Ms. Tollefson, I just have one more
17 question about K.W. Would it be fair to say that you
18 cannot evaluate what K.W.'s mental and emotional state
19 was prior to the February 2022 fire because you did
20 not treat her before the fire?

21 MR. AYALA: Form.

22 THE WITNESS: Yes.

23 BY MR. GIROUX:

24 Q. When did you first see L.W. after the
25 fire?

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1 A. Yes.

2 Q. Did L.W. have any difficulty sleeping
3 before the accident -- before the fire?

4 A. I don't recall. Do you want me to look
5 through my notes?

6 Q. No. That's okay. And then how long did
7 you treat L.W. for after the fire?

8 A. I treated him for four sessions and then
9 there was a break in treatment.

10 Q. And what was the reason that the
11 treatment stopped after those initial four sessions?

12 A. I don't know.

13 Q. Was it because you had made a
14 determination that L.W. did not need any additional
15 treatment?

16 MR. AYALA: Form.

17 THE WITNESS: I wish I remembered because
18 that is one thing with this process that I've been
19 like I don't remember why we -- I don't know if it's
20 because I had offered a set number of sessions. I
21 don't know if it was because medical things got in the
22 way. I don't know if it was because of schedules. I
23 don't know. Sorry.

24 BY MR. GIROUX:

25 Q. Did you know the Wadsworth family -- you

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1 prognosis of L.W. with respect to his mental and
2 emotional state?

3 A. I'm looking at my notes. They got a
4 little out of order. Sorry.

5 Q. That's okay. Here, let me -- let's see.
6 Because I think I have the last date of treatment
7 as -- unless mine are out of order as well, I think I
8 have it as September 13th, 2022. So let me pull up
9 that note and see if this is the last date that you
10 have as well.

11 A. No.

12 MR. AYALA: Jared, did you say September
13 of '22?

14 MR. GIROUX: I have September 13th, 2022.

15 THE WITNESS: No. I have -- I have
16 February 7th, 2023.

17 BY MR. GIROUX:

18 Q. Okay.

19 A. January --

20 Q. Oh, okay. They're just ending in a
21 different order this time. That makes sense.

22 A. Sorry.

23 Q. Nope, not a problem. I see some
24 additional dates. Okay. So when was the last date
25 based on your review of your notes, Ms. Tollefson,

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1 that you saw L.W.?

2 A. February 7th, 2023.

3 Q. And what was your prognosis at that
4 point?

5 A. I do not state a prognosis. It says he
6 has made good progress. I'm going to say fair,
7 reading this.

8 Q. So you wrote good in the record, but your
9 opinion is instead that he's made fair progress?

10 MR. AYALA: Form.

11 THE WITNESS: I say good progress. I say
12 fair on his prognosis.

13 BY MR. GIROUX:

14 Q. Okay. Do you have any upcoming
15 appointments scheduled with L.W.?

16 A. No.

17 Q. What was the reason that you stopped
18 seeing him after February 7th, 2023?

19 A. It looks like he was involved in
20 counseling support at school and it says that I
21 discharged him and he's welcome to return.

22 Q. Have you spoken at all with the
23 counselors at his school?

24 A. No.

25 Q. How was L.W.'s mental and emotional state

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1 as you observed it in your last date of treatment as
2 compared to how it was prior to the fire?

3 A. In that last date of treatment, it says
4 that topics focused on feelings of the anniversary of
5 the fire and he chose feelings -- or objects to relay
6 his feelings of sadness and grief as well as
7 representing fear that it could happen again.

8 Q. Do you have an opinion as to whether or
9 not L.W.'s mental and emotional state has returned to
10 the baseline it was at prior to the fire?

11 A. Can you repeat that, please?

12 MR. GIROUX: Yeah. Sara, could you read
13 that back for me, please?

14 (Reporter reads back the last question.)

15 THE WITNESS: I don't believe it has
16 returned to that baseline, no.

17 BY MR. GIROUX:

18 Q. Do you have an opinion one way or another
19 as to whether or not L.W. will ever be able to return
20 to that baseline?

21 A. I don't know.

22 Q. Is there anything about your treatment of
23 L.W. that we have not discussed that you would like to
24 tell me?

25 A. No.

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1 Q. All right. We will mark as Exhibit 91
2 a -- Ms. Tollefson, your medical records and notes for
3 the treatment of G.W., which are Bates stamped GW_001
4 through GW_004.

5 (Deposition Exhibit 91 was
6 marked for identification.)

7 BY MR. GIROUX:

8 Q. And it looks like you first saw G.W. on
9 March 29th, 2022; is that correct?

10 A. Yes.

11 Q. And what were his complaints during that
12 initial consultation?

13 A. He was not sleeping. He was avoiding
14 talking about the fire and he was avoiding his mom.

15 Q. And again we talked a little bit about
16 the avoidance of Steph previously. Was that because
17 of burns that she had experienced?

18 A. Yes, um-hum.

19 Q. Can you sort of describe for me your
20 treatment of G.W.?

21 A. Yes. So I'm going to review my notes.

22 Q. Sure.

23 A. It looks like G.W. and I used mostly sand
24 tray therapy to support his processing.

25 Q. And you saw G.W. on March 29th,

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1 April 5th, April 12th, and April 19th, 2022; correct?

2 Excuse me. Yeah, 2022; correct?

3 A. Yes.

4 Q. Okay. Was there any reason why you

5 discontinued treatment after April 19th, 2022?

6 A. No. I don't remember.

7 Q. Had you ever treated G.W. prior to

8 February of 2022?

9 A. No.

10 Q. What was your prognosis for G.W. in that

11 last meeting on March -- excuse me, April 19th, 2022?

12 A. It looks -- it looks fair, um-hum. I --

13 um-hum.

14 Q. Do you have any pending or upcoming

15 appointments scheduled for G.W.?

16 A. No.

17 Q. Did G.W.'s mental and emotional state get

18 better during your course of treatment with him?

19 A. Yes. The last note states he is sleeping

20 through the night and he is talking about the fire

21 more.

22 Q. And you have not met with him since that

23 date of April 19th, 2022. So you have no reason to

24 believe that he has not continued to make progress;

25 correct?

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1 A. Correct.

2 Q. In your professional opinion as a
3 clinical social worker, what was G.W.'s future outlook
4 with regards to his mental and emotional state?

5 A. That's a difficult question to answer if
6 you understand trauma and how it affects the body
7 because, remember, trauma is not an event. Like it
8 could -- it could affect him in the future if
9 something comes up from his memory, right, and so
10 that's a difficult question to answer. I don't know
11 how to answer that.

12 Q. Sure. You're unaware of any setbacks
13 that G.W. has experienced since his last date of
14 treatment with you; correct?

15 A. Correct.

16 Q. Is there anything else about your
17 treatment of G.W. that you have not told me that you
18 would like to tell me now?

19 A. No.

20 Q. Let's move on to W.W. When did you first
21 meet W.W.?

22 A. March 29th, 2022.

23 Q. I'll mark this as Exhibit 92, which are
24 your notes and medical records for the treatment of
25 W.W. Bates stamped WW_001 through WW_015.

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1 individual history, medical history of the children?

2 By way of example, did you discuss with them -- did

3 K.W. have any prior history of depression?

4 A. Not that I recall.

5 MR. GIROUX: Form.

6 THE WITNESS: Do you want me to check my
7 notes?

8 BY MR. AYALA:

9 Q. Okay. All right. When you have a child
10 client and you meet with the parents at least at the
11 outset, do you typically discuss with them any
12 relevant medical history that might affect and impact
13 your care?

14 A. Yes.

15 Q. Okay. Do you have any reasons to believe
16 that in this case with the Wadsworth family that you
17 would have strayed from your typical practice of
18 having those talks and discussions with the parents?

19 MR. GIROUX: Form.

20 THE WITNESS: Can you say that again?

21 BY MR. AYALA:

22 Q. Yes, ma'am. Do you have any reason to
23 believe that you would have strayed or gone away from
24 your typical practice of discussing any relevant prior
25 histories of clients with the Wadsworth family?

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1 MR. GIROUX: Form.

2 THE WITNESS: I did not do a full
3 assessment.

4 BY MR. AYALA:

5 Q. Okay. And is that typically the only
6 time when you -- when you ask parents about relevant
7 medical history?

8 A. No. I will ask during treatment as well
9 if it comes up and I did ask, yes, um-hum.

10 Q. So am I to understand that you would have
11 asked -- at least relating to these children, the
12 Wadsworth children, you would have asked about any
13 relevant medical history relating to depression or
14 self-harm?

15 MR. GIROUX: Form.

16 THE WITNESS: I did not ask about
17 depression and self-harm.

18 BY MR. AYALA:

19 Q. Okay. All right. And in your
20 discussions, your sessions with K.W., at any point in
21 time did either she or the parents bring up a prior
22 history of depression and self-harm?

23 A. Not that I recall. Do you want me to
24 check my notes?

25 Q. You can if you'd like to. If you recall

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1 them again and speaking with them and helping them
2 out?

3 A. Yes.

4 Q. Given the fact that K.W. has future
5 appointments with you, certainly she's going to
6 require future treatment. You just don't know how
7 long or how many; is that fair?

8 A. Yes.

9 Q. And sitting here today, you don't know
10 whether or not L.W., G.W., or W.W. will require future
11 therapy sessions with you to go over some of the
12 traumatic events or symptomatology that you were
13 assisting them with prior; correct?

14 A. Yes, I do not know.

15 Q. Are you aware of how the Wadsworth family
16 paid for the additional sessions that K.W. and L.W.
17 received?

18 A. Insurance.

19 Q. I know we've talked about the progression
20 or evolution of acute stress disorder and how that can
21 manifest itself into the future, but have you
22 diagnosed any of the children with whether it's PTSD
23 or any other condition aside from acute stress
24 disorder?

25 A. What did I diagnose L.W. with? Didn't I

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1 counseled Stephanie for the trauma that she's
2 experienced?

3 A. No.

4 Q. Have you counseled Matthew for any trauma
5 he may have experienced?

6 A. No.

7 Q. Based upon your background, training, and
8 experience treating clients similar to these children,
9 there are times when a traumatic experience, like this
10 fire, can continue to have an effect and impact well
11 into adulthood?

12 MR. GIROUX: Form.

13 THE WITNESS: Yes.

14 BY MR. AYALA:

15 Q. Meaning that just based on your
16 experience treating children who have suffered a
17 similar type of trauma, you've seen through your
18 experience that some have continued to deal with those
19 traumatic issues and problems into adulthood; is that
20 fair?

21 MR. GIROUX: Form.

22 THE WITNESS: Yes.

23 BY MR. AYALA:

24 Q. And that's even with counseling and
25 therapies and coping mechanisms in place?

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1 FURTHER EXAMINATION

2 BY MR. GIROUX:

3 Q. Ms. Tollefson, I only have a couple more
4 questions for you, and I apologize if I'm jumping
5 around a little bit as well. We talked a little bit
6 about the fact that you did not do a full assessment
7 of the children; correct?

8 A. Yes.

9 Q. And that you did not ask about any prior
10 issues with depression or self-harm; correct?

11 A. Correct.

12 Q. And you testified that you were not told,
13 particularly with respect to K.W., by either her or
14 her mother Stephanie about prior incidents of
15 depression or self-harm; correct?

16 A. I don't recall.

17 Q. Okay. But just because you weren't told
18 about them didn't -- doesn't mean that K.W. didn't
19 have incidents of self-harm or depression prior to the
20 fire; correct?

21 A. Correct.

22 Q. You just don't know one way or the other?

23 A. Yeah, so true. Don't know. Thank you.

24 Q. Okay. And outside of K.W. at this point,
25 you are not actively treating any of the Wadsworth

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1 Q. Okay. And you were asked a lot of
2 questions by opposing counsel about whether it's more
3 likely than not that these children would continue to
4 manifest symptoms of ASD or the trauma itself in the
5 future; correct?

6 A. Yes.

7 Q. Do you recall being asked those
8 questions?

9 A. Yes.

10 Q. You don't really know one way or another
11 whether they continued to experience flashbacks or any
12 sort of traumatic events moving forward because you
13 haven't seen them in a few years or even a few months
14 at some point; correct?

15 A. Yes.

16 MR. AYALA: Form.

17 BY MR. GIROUX:

18 Q. So it's really speculative to say that
19 they're going to continue on in the future to have,
20 you know, traumatic flashbacks; correct?

21 MR. AYALA: Form.

22 THE WITNESS: Yes.

23 BY MR. GIROUX:

24 Q. We just don't know one way or the other
25 how this is going to impact them moving forward;

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1 correct?

2 A. Yes.

3 Q. And it's possible that they could make a
4 full recovery; correct?

5 MR. AYALA: Form.

6 THE WITNESS: I'm a little bit more
7 hesitant with that one, but yes. I don't know.

8 BY MR. GIROUX:

9 Q. Okay. So you don't know whether they
10 could make a full recovery; correct?

11 A. Nope, I don't know.

12 MR. GIROUX: I don't have anything else.
13 Thank you very much.

14 - - -

15 FURTHER EXAMINATION

16 BY MR. AYALA:

17 Q. The questions -- ma'am, when I asked you
18 questions about the children experiencing the
19 emotional trauma and effects of this traumatic event
20 into adulthood, I never used the term traumatic
21 flashbacks. So let me ask in my question to make sure
22 that you and I were talking about the same thing.

23 A. Okay.

24 Q. Based upon your background, your
25 education, your training, and of course your

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C E R T I F I C A T I O N

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Court Reporter-Notary Public

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